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Agricultural Marketing Service



Federal Grain Inspection Service



JUL 10 1980

ACTION BY: All Divisions and Offices, AMS, FGIS, and OT

CURRENT SERIAL RECORDS

Strike Prevention and Strike Contingency Plans

I PURPOSE

This Instruction:

A Establishes a strike prevention plan and outlines or references positive elements intended to prevent work stoppages.

B Establishes a strike contingency plan, providing specific guidance to supervisors and management officials regarding responsibilities when a work stoppage is threatened or occurs.

II STRIKE PREVENTION PLAN

A Despite the prohibition against strikes by employees of the United States Government (5 U.S.C. 7311), several strikes, slow-downs, "sick-outs," and other forms of work stoppages have occurred within the Federal service. The prevention of strikes insures continuity of services to the public, efficient operation, employee well-being, and constructive and cooperative relationships between labor organizations and management.

B A sound labor-management relations program is the foundation of a strike prevention plan. The Action Plan for Labor-Management Relations (set forth in AMS/FGIS Instruction 344-2), which sets forth Agency policy and philosophy concerning labor-management relations and prescribes specific procedures and responsibilities for implementing the policies, shall be considered the foundation of the Agency strike prevention plan.

C In addition, the following elements form an integral part of the Agency strike prevention plan:

1 Maintenance of equitable conditions of employment by evaluation of personnel practices and work rules and regulations at both the Agency and the program levels.

2 Fair and equitable administration and enforcement of established rules, regulations, and laws.

DISTRIBUTION:
A,M,O,S,P,F,T

MANUAL MAINTENANCE INSTRUCTIONS:
Revised to update. Remove AMS/FGIS
Instruction 344-4, dated 12-13-77.
File this Revision.

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(II C)

3 Full disclosure by management of the terms, conditions, and obligations of employment.

III STRIKE CONTINGENCY PLAN

A Purpose of Strike Contingency Plan. Despite the positive steps taken under the Agency strike prevention plan, a possibility always exists that a work stoppage could occur. The purpose of the strike contingency plan is to:

1 Provide uninterrupted service to the public, maintaining public confidence and integrity of operations.

2 Maintain security of facilities, equipment, and employees, and protect the rights and safety of employees who work during a strike.

3 Maintain effective communication throughout the organization.

4 Establish critical needs and priorities.

5 Assure that appropriate legal action can be taken if necessary.

B Picketing of Federal Operations. Picketing may in some instances and circumstances be allowed. Any picketing or indication of picketing should be reported promptly, as described in paragraph C, below. The Personnel (PE) Division, will provide guidance.

C When a work stoppage appears to be imminent, efforts will be directed toward preventing a stoppage. This requires close communication between the field supervisor, Agency headquarters, and the PE Division. When a supervisor first believes a stoppage is threatened, report the information through channels to the PE Division. Depending upon guidance from the PE Division, the field supervisor may be expected to take some of the following action:

1 Identifying Problem.

Attempt to identify the cause of the problem and, upon specific approval from the PE Division, take corrective action.

(III C)

2 Obligations of Employees and Union Officials.

- a Remind employees in the work area of their no-strike obligation and advise them that a work stoppage violates law and subjects them to legal penalties, including discharge from employment.
- b Remind union officials, including local union officers and stewards, of their obligation under Title VII of the Civil Service Reform Act of 1978, to take affirmative action to prevent or discontinue work stoppages.

3 Maintaining Operations.

- a Identify essential operations which must be performed by skilled or licensed manpower. Determine whether licenses will be necessary for supervisors and other employees.
- b Identify operations to be continued on a full-scale or reduced basis and the minimum numbers and types of personnel required to perform operations in each department, division, section, etc.
- c Compare the skills of available personnel with the skill requirements needed to continue operations.
- d Consider who will work from among supervisors and employees represented by nonstriking unions or otherwise not likely to be involved.
- e Consider alternate sources of manpower (details, interactivity or interagency loans, contractor personnel, etc.), and whether an active recruitment program for temporary replacements must be conducted.

4 Supplies, Equipment, and Facilities.

- a Make an inventory of essential supplies and materials.
- b List the procedures for orderly closing of buildings not likely to be used, for dismantling equipment, and for continuing necessary housekeeping operations.

D When a work stoppage has occurred, immediate notification should be given through appropriate channels to the PE Division. The PE Division will inform the Department Director of Personnel and will provide guidance to managers and supervisors concerning action to be taken.

(III D)

1 Supervisory Responsibilities. Supervisors should take no action in dealing with union representatives or employees participating in the work stoppage unless specifically authorized to do so by the PE Division.

2 Management and PE Division Responsibilities. The following guidelines are intended as a planning tool only. The items on this checklist can be determined to be appropriate only on an individual case basis by top Management and the PE Division.

a Security and Protection.

(1) Consider whether there is a need to alert the local police department.

(2) Consider services required from local law enforcement and fire prevention agencies to protect working employees and property, including maintaining access to the worksite and cars in the parking lot.

b Administrative and Personnel Matters.

(1) Analyze the cause of the strike or work stoppage.

(2) Determine procedures for emergency suspension of operations.

(3) Decide what to tell employees who call in sick.

(4) Decide under what circumstances annual leave or leave without pay will be authorized.

(5) Determine what to do about supervisors and employees who are on approved annual leave, sick leave, or leave without pay when a strike or work stoppage occurs.

(6) Determine how to handle paychecks for striking employees.

c Observation and Recordkeeping.

(1) Determine the amount of detail to be recorded in a daily strike record summarizing all events concerning a work stoppage or picketing situation.

(III D 2 c)

(2) Make a record of all significant events, conversations, and actions involving management, unions, or employees.

(3) Copy the exact wording of any signs carried or displayed by pickets.

(4) Identify strike ringleaders and persons who engage in violence.

(5) Obtain signed statements from witnesses in the event of incidents.

d Communication.

Inform employees (both strikers and nonstrikers) of the plans made and/or steps taken to continue operations, and advise them that grievances will be discussed under established procedures after the work stoppage has ceased.

e Nonstriking Employees.

(1) Determine the best means of communicating with nonstriking employees.

(2) Be prepared to advise nonstriking employees as to whether they should report to work, whether and under what conditions they should cross picket lines (either when no act of violence has occurred or has been threatened, or when acts of violence have taken place), what entrance to use, how to obtain assistance in transportation to work, etc.

f Striking Employees.

(1) Consider means of communicating with striking employees, such as letters to employees' homes, radio and television announcements, and recorded telephone messages.

(2) Do not take any action or make any statements which would constitute a commitment that either employees or the union will be absolved of responsibility for any violation of law, Executive Order, or regulation.

(III D 2)

g Documentation and Evidence.

- (1) Carefully document all developments and collect evidence. From the time a work stoppage is threatened, gather detailed information (who, what, when, etc., including whether the incident relates to a local matter or appears to be part of a widespread situation) and maintain a chronological record of events and actions (daily strike record).
- (2) If specifically authorized to do so, record factual data concerning the actions of individual employees, using the format shown in Exhibit A, attached.
- (3) Keep copies of all newspaper clippings, handbills, or other literature published in connection with the strike.
- (4) Maintain a complete record of strike damage, if any, loss of production and manhours, and the results of such losses on the mission.



Irving W. Thomas
Deputy Administrator, Management

Attachment

Guidelines for Supervisors
in Recording Work Stoppage Information

These guidelines are to be used ONLY WHEN AUTHORIZED by Agency headquarters and the Personnel Division. If authorized, the following information should be recorded (to the extent possible) for each employee you supervise, in the event of a strike or other work stoppage affecting your work area.

- 1 Name of employee and position.
- 2 Is employee a labor organization official or representative? If so, what is his title?
- 3 Briefly describe actions of employee during initial phase of work stoppage. Did he terminate work--encourage others to do so? At what time was this? Did he obey order to return to work; if so, what time was it? What did you tell employee? When advised of illegal nature of action and ordered to return to work, what did employee say or do? What, if any, reasons were given for work stoppage? What, in your opinion, caused the work stoppage?
- 4 Was employee prevented from reporting to or returning to work by conditions beyond his control? If so, what were conditions or alleged conditions?
- 5 What statements, if any, did employee make to you or fellow employees during work stoppage?
- 6 List other pertinent observations or statements you made to employee in connection with the work stoppage.
- 7 What other supervisors or employees were witnesses to statements or actions of this employee?
- 8 Signature of supervisor and title.
- 9 Dates covered by above data.
- 10 Date this information was recorded.

